## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )		
	Plaintiff,	) 8:11MJ130 )
	vs.	) DETENTION ORDER
JA	MES M. WEISS,	) )
	Defendant.	<i>)</i> )
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on May 27, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.         </li> </ul>	
C.	The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged:X (a) The crime: manufacture and possession of child pornography in violation of 18 U.S.C. § 2251(a) carries a minimum sentence of fifteen years imprisonment and a maximum sentence of thirty years imprisonment. X (b) The offense is a crime of violence. See 18 U.S.C. § 3156(a)(4)(C) (c) The offense involves a narcotic drug (d) The offense involves a large amount of controlled substances, to wit:	
	may affect wheth The defendant h The defendant h The defendant h The defendant is The defendant d ties. Past conduct of t The defendant h Court proceeding	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. oes not have any significant community. the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at

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Par	ole
Sup	ervised Release
(c) Other Factor	rs:
	e defendant is an illegal alien and is subject to ortation.
The	e defendant is a legal alien and will be subject to ortation if convicted.
	Bureau of Immigration and Custom Enforcement
	CE) has placed a detainer with the U.S. Marshal.
Y (4) The nature and s	eariousness of the danger posed by the defendant's
	seriousness of the danger posed by the defendant's ows: the nature of the charges in the Indictment, the
	igator Haugaard, and the nature of the items seized in
	the defendant should be detained, the Court also relied
on the following r	rebuttable presumption(s) contained in 18 U.S.C. § Court finds the defendant has not rebutted:
	ndition or combination of conditions will reasonably
	ppearance of the defendant as required and the safety
	person and the community because the Court finds that
the crime in	
	A crime of violence; <b>see</b> 18 U.S.C. § 3156(a)(4)(C) or
	An offense for which the maximum penalty is life
	imprisonment or death; or
(3)	A controlled substance violation which has a maximum
、 ,	penalty of 10 years or more; or
(4)	A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was
(h) That no car	committed while the defendant was on pretrial release.
	ndition or combination of conditions will reasonably ppearance of the defendant as required and the safety
	nunity because the Court finds that there is probable
cause to bel	
	That the defendant has committed a controlled
(')	substance violation which has a maximum penalty of
	10 years or more.
(2)	That the defendant has committed an offense under 18
(-/	U.S.C. § 924(c) (uses or carries a firearm during and
	in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: May 27, 2011. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge